THE RURAL MUNICIPALITY OF DAUPHIN

DEVELOPMENT PLAN

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BY-LAW NO. 2632

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APPROVED BY O.I.C No. 916

EFFECTIVE DATE OCTOBER 30, 1991

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BY-LAW NO. 2632

THE RURAL MUNICIPALITY OF DAUPHIN

PROVINCE OF MANITOBA

BEING A BY-LAW of The Rural Municipality of Dauphin to adopt a Development Plan.

WHEREAS Section 24 (4) of The Planning Act provides authority for preparation of a development plan;

AND WHEREAS Section 27 (1) of said Planning Act provides authority for adoption of a development plan by-law.

NOW THEREFORE the Council of The Rural Municipality of Dauphin in meeting assembled enacts as follows:

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PART I

INTRODUCTION

I INTRODUCTION

1. General Concerns

Previously, the Rural Municipality of Dauphin was largely a rural community with very little pressure for non-farm development. However, in the last few years the Municipality has been faced with a number of rural subdivisions, non-farm splits and highway commercial development.

This change in land use and development pressure may cause:

- unnecessary economic, social and environmental constraints and hardships on farmers who want to remain or expand their family operations;
- the removal of prime agricultural land from production;
- an increase in strip residential and commercial development along municipal roads, provincial roads, and along the major highways leading into town, particularly P.T.H. #20 East and #5 & 10 South; and
- undue expense to the Municipality in attempting to provide services to non-farm uses spread throughout the Municipality.

These characteristics of development have been largely a result of the expansion of the Town of Dauphin into the rural areas and the desires of individuals to live in a rural setting. If this type of development is allowed to continue the result could be a conflict of land uses and undue expenses.

2. General Intentions

The Planning Act of Manitoba provides for the preparation of a development plan by the council of a municipality. A development plan is a statement of a municipality's objectives and policies for the future development of the area affected. This development plan will provide objectives and policies for the entire Rural Municipality of Dauphin. Because development pressures and land use conflicts are not uniform across the entire municipality, it was felt that the objectives and policies should be general in nature. However, the development plan has been structured in such a manner that more detailed planning can be achieved in the areas that show development pressures. The objectives and policies proposed herein shall be used in preparing a zoning by-law for the Rural Municipality.

3. Key Planning Objective

The key or primary planning objective for the Rural Municipality of Dauphin is to guide land use and development to meet the needs of the people in their living, working and recreational activities while maintaining a harmonious balance with the natural environment.

4. Land Use Planning Principles

Future land development shall take place in accordance with the following principles:

1) The major needs of the people in the area shall be considered when making land use decisions;

2) Land use development shall occur so that the services which the

community requires are provided in an orderly and rational manner;

3) The land use and development of the region shall be considered when land use planning and development is being done in the municipality; and

4) Land should be used in accordance with the land capability and suitability to accommodate that use.

5. General Planning Objectives

The following general objectives shall be applicable to the whole Municipality:

1) Encourage the most appropriate use and development of land and other resources;

2) Protect and maintain the agricultural industry;

3) Protect and strengthen the viability of the existing settlement centres;

4) Discourage scattered and haphazard farm or urban development in the agriculture/rural use area;

5) Minimize the impact of natural hazards such as flooding, erosion or bank instability on any future development;

6) Prevent any development along major highways that would reduce the safety and efficiency of that highway;

7) Protect the natural resources--land and water--from being committed to irreversible uses;

8) Protect the environment through a sustainable development strategy which reflects the regulations set out under the Public

Health Act, Environment Act and the guidelines of the Manitoba Surface Water Quality Objectives;

9) Identify, preserve and protect the heritage resources of the municipality; and

10) Promote sound management practices for all resource development.

6. General Planning Policies

The following general policies shall be applicable to the whole Municipality:

1) Future development shall be consistent with this Development Plan;

2) No subdivision of land shall be permitted unless it conforms with the general intent and provisions of this Development Plan and Part VI of The Planning Act;

3) In evaluating and approving any subdivision design or development proposal, the Council will cooperate with public or private utilities to provide their service in the most economical and efficient manner;

4) Subdivision proposals adjacent to waste disposal grounds shall be subject to the following policies;

a) No subdivisions development be allowed to locate within 1313 feet of an active waste disposal ground; and

b) No subdivision development be allowed to locate within 1313 feet of an abandoned waste disposal ground unless it can be demonstrated that methane gas will not be a hazard to the development;

5) Development should not occur in such a manner that Manitoba Surface Water Quality Objectives are exceeded. This will ensure that uses such as domestic consumption, agricultural consumption, industrial consumption, production of aquatic life and wildlife and recreation will not be impaired;

6) Developments that create hazardous situations or are subject to environmental hazards shall not be permitted unless the hazard has been removed or appropriate remedial measures have been taken that will protect life and property and are within the guidelines of Provincial Environmental and Health authorities;

7) Where the potential for conflict exists between differing land uses, the zoning by-law may establish separation standards as a means of minimizing the impact on the affected land use;

8) In approving new developments for residential, commercial, industrial purposes, etc. consideration shall be given to the current and projected demand for that particular type of use so as to avoid premature fragmentation of land and that the supply for lots should bear a reasonable relationship to the demand or consumption of lots;

9) Intensive residential, institutional, commercial, industrial, agricultural and recreational activities shall not be permitted on lands identified as prime habitat for wildlife (including marshland habitat for waterfowl);

10) The Municipality is appreciative of its history and with the assistance of The Manitoba Historic Resources Branch shall

a) Encourage the identification of heritage resources in the

Municipality; and

b) Endeavour to preserve and protect the heritage resources through the development review process by subdivision control procedures, issuance of development permits, development agreements and designation of heritage sites; and

11) Land clearing, cultivation and development to the water's edge of streams, creeks and lakes shall be discouraged and wherever possible, a buffer strip of natural vegetation along rivers, streams and lakes should be maintained.

7. Interpretation of Requirements

1) The general land use designations of the Development Plan Maps illustrate the long term development strategy with respect to land use and defines the ultimate extent of the various land uses. The achievement of the land objectives will take place over a period of years as the land use pattern evolves. During this period the Zoning By-law will provide one of the principal means to effect the transition;

2) The boundaries of the various land use designations shown on the Development Plan Maps and any lot size, distance and area requirements mentioned throughout this Development Plan are meant to serve as guidelines only. Certain situations will necessitate a degree of flexibility in the application of these standards providing it complies with the intent of the Development Plan. These standards will provide general guidelines for preparation

PART II

LAND USE DEVELOPMENT

of the more precise standards and requirements of the Zoning By-law; and

3) Individual policies of this Development Plan should not be viewed or interpreted in isolation but should only be interpreted within the overall spirit and intent of all other objectives and policies of this Development Plan.

II LAND USE AND DEVELOPMENT

1. Agriculture/Rural Area

1) Concerns

The major land use issue involves the recognition of the importance of agriculture, the need for protection of the agricultural land base and the avoidance of incompatible land uses. The primary concern is the loss of good agricultural land to non-agricultural related uses. In recent years the trend has been for urban dwellers to locate and live in rural areas. It is generally accepted that a mixture of residential developments and farming is detrimental or harmful to long term farming. The development of small parcels for non-farm uses including residential, recreational (including cottaging), certain agro-commercial and industrial uses and resource extraction activities in a farming area has the potential to increase land values and otherwise interfere with normal farm operations and practices unless accommodated on a planned basis.

Another land use issue is the rural lands surrounding the urban

settlement centres of Sifton, Valley River and Dauphin. The Town of Dauphin is the major urban settlement centre within the Municipality and the fringe lands in the immediate vicinity of the Town affect and are affected by the Town and are subject to development pressures because of the proximity of the Town. Any unplanned pattern of growth in this area has implications upon servicing, land use, long range planning, land values and the encroachment of urban development upon prime agricultural land. The loss of prime agricultural land is a concern of the Rural Municipality but it is felt that planned development in an organized manner will avoid waste of agricultural land by scattered fringe development.

The long range implications of the existing trends would appear to be:

a) Continued competition between the Municipality's rural areas and urban areas for the same type of suburban non-agricultural land uses;

b) Continued removal of agricultural land from production;

c) The inefficient and costly distribution of public services over the area; and

d) The creation of an economic atmosphere unfavourable to both the agricultural sector and the industrial sector.

Finally, there are certain lands within the Municipality which because of natural hazards, jurisdiction and other constraints or

because of special circumstances require protection from encroachment by non-compatible land uses. These include such uses as the Dauphin Airport, Town of Dauphin Lagoon, Town of Dauphin Water Supply Reservoir, Selo Ukraina and the Town of Dauphin Sanitary Land Fill Site. Also, the establishment of large scale intensive livestock production operations throughout the Municipality raises potential environmental concerns in regards to waste management and disposal, odours and health concerns to nearby farms and non-farms residences, recreation areas and the urban settlement centres. These large operations require protection from encroachment by non-compatible land uses, including residences and they should be separated and restricted when near recreation areas, residences and the urban settlement centres.

2) <u>Objectives</u>

a) To protect areas best suited for agricultural use from the encroachment of scattered non-resource based development;

b) To allow as wide a range of opportunities for farm diversification as possible;

c) To preserve large tracts of rural lands in order to enhance the area for the full range of agricultural activities;

d) To encourage the retention of natural habitats in the Rural Municipality of Dauphin that provide refuge for waterfowl and wildlife;

e) To adopt policies which will encourage the orderly,

efficient and environmentally sound development of lands within the fringe area of the Town of Dauphin, in the interests of the Dauphin Community;

f) To minimize conflicts which may arise if development occurs adjacent to land uses such as the lagoon, sanitary landfill, airport and water supply reservoir;

g) To discourage uses of land and improper development which may deteriorate an area or may give rise to unique problems with respect to their impact upon neighbouring property;

h) To protect the slope lands in the forested upland areas of the Riding Mountain periphery;

i) To prevent the development of incompatible agricultural uses in close proximity to residential, recreational and urban areas;

j) To provide for non-farm rural residential development under specific conditions; and

k) To provide for non-farm uses which are rural in character or need a rural location in such a manner as to minimize any adverse effect on agriculture, recreation, aggregate deposits, wildlife areas, etc. and adjacent urban settlements.

3) **Policies**

a) The majority of the municipality shall be designated and reserved for rural and agricultural uses;

b) Scattered non-farm development will be discouraged in areas

best suited for agricultural/rural uses;

c) Where feasible, continuous blocks of productive agricultural land shall be provided in close proximity to animal concentrations for the disposal and utilization of livestock wastes;

d) Those areas best suited for agricultural and rural uses, and shown on the Development Plan Maps as "A" Agriculture/Rural Area, shall be designated in the zoning by-law under "Agricultural General Zone". Basically, permitted uses will be restricted to agricultural activities which are not obnoxious or detrimental to the health and welfare of the public. However, livestock production operations may have a detrimental impact on adjacent uses with respect to odour, noise, waste disposal and potential surface and groundwater pollution. Restricted zones, separation standards and/or conditional uses shall be established in the zoning by-law in order that adjacent developments such as the urban settlement centres, rural cluster residential development, rural residences, recreation areas and bodies of water are protected from these adverse effects. Conversely, the zoning by-law shall establish separation standards for land uses which would interfere with livestock production operations;

e) Disposal of agricultural wastes should comply with the regulations under the Public Health Act and the Environment Act of the Province of Manitoba. The surface water quality

in the area should be protected by adherence to the guidelines of the Manitoba Surface Water Quality Objectives;

f) Land shall not be developed for commercial, institutional, industrial or residential use close to the built-up area of the Town of Dauphin that would result in undue or uneconomical demands for public services from the Municipality, or that would have an adverse effect on development within the Town of Dauphin and the Rural Municipality of Dauphin, or that without remedial action could be considered a hazard or nuisance to persons and properties in the vicinity;

g) Subdivision of land in areas designated Agriculture/Rural Area shall generally not be allowed for parcels less than 80 acres except as provided herein in the policies and criteria for rural land division. The zoning by-law shall specify the specific site standards for these parcels;

h) In order to protect the land from wind and water erosion, the implementation of soil conservation practices shall be encouraged. This includes, but is not limited to the following:

   i) The planting and maintenance of proper field shelter belts or the retention of hedgerows or treed bluffs that provide protection to the soil;

   ii) Provision of permanent grass cover for the

headlands of major drains;

iii) Removal of topsoil and sod farming for commercial purposes will require development approval;

iv) The retention of the tree cover and other natural vegetation in the slope lands adjacent to the Riding Mountain National Park, and the lands within 100 feet of major streams and their tributaries including Crawford Creek, Edwards Creek, Mink Creek, Valley River, Vermilion River, Salt Creek, Drifting River and Wilson River; and

v) The retention of sloughs to prevent soil erosion, loss of waterfowl habitat and possible lowering of the water table and reduction of soil moisture content;

i) Future intensive residential, institutional, commercial, industrial and agricultural development that could be potentially detrimental to the resource area or park character or experience will be discouraged within 1/2 mile of The Riding Mountain National Park, unless a certain area has already been designated for a specific use. Any proposed development bordering on the said Park shall be referred to the Park Administrators for comment;

j) Certain land uses and activities, which due to their

particular nature, which may be hazardous or which can lead to land use conflicts or pollution of the natural resources shall be designated as "conditional uses" in the zoning by-law;

k) The Council may request recommendations from such government agencies as it deems necessary when a proposed use or development of land may have a detrimental effect on the environment. If it is determined that a proposed use or development may have a detrimental effect on the environment, said use or development shall not be permitted or measures shall be required to mitigate the potential detrimental effects; and

l) The zoning by-law shall establish separation standards for future development adjacent to the Dauphin Airport, Town of Dauphin Lagoon, Town of Dauphin Water Supply Reservoir and the Town of Dauphin Sanitary Landfill Site.

4) **Rural Land Division Policies**

The land division policies shall apply to the creation of small parcels or sites for the following uses:

a) Certain types of specialized farming activities such as market gardening, nurseries, beekeeping, chicken or livestock production that do not require a large holding may be allowed as permitted or conditional uses depending on the size, nature and location of the farming activities;

b) Certain agro-related industrial and commercial developments

that are highly supportive of and directly related to agriculture such as fertilizer sales, anhydrous ammonia sales, seed cleaning plants, grain elevators, bulk oil establishments, etc. that require a rural location may be permitted as conditional uses;

c) Rural automotive service stations, restaurants and convenience stores, when required to service a specific area or development within the Municipality, may be permitted as conditional uses;

d) Certain non-farm uses that require a rural location such as resource extraction, or single parcel recreational development may be permitted as conditional uses;

e) Except for a farmstead with derelict buildings and without a shelterbelt and water supply, a farmstead which is surplus to a farmer's needs may be converted to a non-farm dwelling site;

f) A residential site as a permitted use for individuals who are actively associated with the farming operation. The title being created should, where feasible, be located either on lower class agricultural land or, where physically and environmentally suitable, adjacent to the existing farmstead;

g) Subdivision of an existing farmstead as a permitted use for a retiring resident farmer;

h) A single residential site as a permitted use on a small parcel of land which has been physically separated by such

things as major drains, sloughs and transportation facilities, where such parcel cannot reasonably be used for agricultural purposes and where the site area should generally not be less than 2 acres;

i) Where a site, intended to be developed for non-farm dwelling purposes, was created by separate title prior to the coming into effect of this Plan, said site may be used for non-farm dwelling purposes; and

j) Infill of existing rural residential cluster developments consisting of a grouping of three or more parcels of land may be permitted. In keeping with the objectives of this Development Plan, greater flexibility in permitting infill will be allowed for cluster development expansion on lower class agricultural lands.

5) **Rural Land Division Criteria**

The following development criteria for single parcel residential and non-agricultural uses shall guide Council in the processing of development and subdivision applications:

a) The location of the proposed development should be restricted to lower class agricultural lands or to a naturally treed area, and where the development is for a new residential site it should be located, where feasible, adjacent to an existing residential site;

b) The site area should not be less than 2 acres and should

also give consideration to not consuming valuable agricultural land or be of an excessive size so as to be wasteful of the land resource;

c) Subdivision for rural residential use shall not have the effect of potentially creating a new settlement centre;

d) The proposed development shall be located a sufficient distance from conflicting or incompatible land uses such as livestock production operations, industrial areas, waste disposal areas, landing areas for aircraft, high capability areas for mineral extraction and prime wildlife habitat;

e) Development shall not be located in natural hazard areas subject to flooding, inadequate drainage, erosion or with a continuous or reoccurring high water table. The site shall be physically suitable for the proposed use;

f) A small holding shall not have the potential to restrict the farming activity on adjacent agricultural land;

g) The development shall not cause groundwater pollution, and shall not adversely affect the water supply for existing users with respect to quality and quantity;

h) All necessary services such as all weather road, drainage, hydro, telephone, school bussing can be provided. Any undue costs may have to be borne by the developer;

i) The proposed development should have access to a potable water supply; and

j) The proposed development should be capable of providing an approved on-site sewage disposal system in accordance with

the Environmental Regulations.

It shall be the responsibility of the subdivider or developer to demonstrate the need for subdivision, provide information on the suitability of a site for such a development and the impact the development will have on the immediate area.

2. Rural Residential Development Area

1) Concerns

The concerns with respect to scattered rural residential development in agricultural areas includes the following:

a) Conflicts and incompatibility with agricultural use areas functionally, environmentally and economically;

b) Loss of good agricultural land; and

c) Costs to the community in terms of services provided.

2) Objectives

a) To provide areas for rural residential development within a rural environment unassociated with sewer and water services;

b) To encourage rural residential development to locate adjacent to established municipal and public service corridors;

c) To locate rural residential developments in areas where the primary base of the municipality, agriculture, will be least affected; and

d) To ensure that resource use and waste disposal by rural residences does not contribute to the deterioration of the environment.

3) **Policies**

The following policies shall apply to rural non-farm residential development:

a) Rural residential development shall:

i) Be located only where services such as school bussing, all weather roads, snow removal and fire protection can be provided with reasonable efficiency and without incurring undue cost to the municipality;

ii) Be encouraged to locate in areas that have encountered considerable fragmentation due to previous residential developments and lot splitting;

iii) Not be located in areas best suited for agriculture or in areas with a high capability for mineral extraction, public outdoor recreation or other resource based activities or near livestock operations, waste disposal grounds, sewage lagoons, airports, industrial areas or prime wildlife areas;

iv) Be located in areas where sewage disposal systems will not pollute soil, groundwater or

drains. Such systems will comply with regulations under the Public Health Act, Environment Act and guidelines of the Manitoba Surface Water Quality Objectives;

v) Not be located in areas subject to flooding or other natural hazards such as erosion and shoreline instability or high water table; and

vi) Be designed in such a manner so as not to impede traffic flows on any major highways and municipal roads;

b) Those areas best suited for future residential use, as shown on the Development Plan Maps as "Rural Residential Area" shall be designated in the zoning by-law under "Residential Rural Zone". Where feasible, existing residential development will be accommodated in the zoning by-law;

c) All rural residential development shall comply with the provincial subdivision requirements, the Maps in Appendix "A" of this Development Plan, and any additional criteria established by Council;

d) The minimum site area for rural residential lots shall be approximately 2 acres;

e) Certain land uses and activities, which due to their particular nature can lead to conflicts with the residential use, shall be designated as "conditional uses" in the zoning by-law; and

f) Home occupations will be permitted on a limited basis and only when they conform to the criteria herein. They will generally be limited to businesses that are carried on entirely within a residence or its permitted accessory building, are run by one or more of the residents living in the same dwelling and have no employees, nor require additional parking to that required for the dwelling. The presence of the business should not generate undue congestion and traffic in the neighbourhood. In addition, the size and number of signs will be limited.

3. Settlement Centres

1) Concerns

Municipal Officials are concerned with the decline of the settlement centres in the Rural Municipality. To retain the viability of the existing settlement centres is of primary concern to the Rural Municipality of Dauphin. It is the aim of the Municipality to encourage rural residential and service facilities to develop in a compact form and, if possible, encourage this growth in the established settlement centres to decrease any possible conflict with agricultural activities. The Municipality is also concerned with the orderly development of these settlement centres so that proper servicing of all types can be provided efficiently.

2) Objectives

a) To promote and encourage growth in a logical manner and on

an economical and environmentally sound basis;

b) To develop attractive and compact settlement centres;

c) To guide development in order that these centres can be provided with the necessary public services and facilities (according to acceptable standards); and

d) To encourage urban development to locate in the settlement centres in order to protect and enhance the settlement centres within the municipality.

3) **Policies**

a) Those settlement centres towards which development will be directed, as shown on the Development Plan Maps 2 and 3 as "GD" General Development Area, shall be designated in the zoning by-law under "General Development Zone". Development proposals within or immediately adjacent to a designated centre shall be dealt with at the discretion of the Council;

b) Where there is a reasonable number of suitable vacant lots existing in the designated centre, no further subdivision of land should be allowed within or adjacent to it;

c) In unserviced areas (no municipal sewerage system) lot sizes should be adequate to permit effective on site disposal system. Holding tanks shall be required for all sites that cannot meet the minimum site requirements for an on-site disposal system;

d) A use or activity permitted in a settlement centre should

be located in harmony with other uses or activities;

e) Those areas within settlement centres towards which development will be directed shall have been shown to have an adequate source of potable water and shall not be subject to flooding; and

f) All sewage and other waste disposal shall comply with the regulations under the Public Health Act and Environment Act and surface water quality shall be protected by adherence to the guidelines of the Manitoba Surface Water Quality Objectives.

4. Conservation/Recreation Area

1) Concerns

It is the concern of the municipality that areas displaying unique natural and environmental qualities be protected from incompatible land uses so that those areas may be protected for public use and enjoyment now and in the future. Where recreational activities exist or are anticipated, the Municipality is concerned with the protection of the natural environment from misuse, over development and pollution.

2) Objectives

a) To preserve areas that are capable of supporting wildlife;

b) To provide adequate protection to the shorelands fronting Lake Dauphin;

c) To protect areas that could be destroyed by any form of

development, because of their uniqueness;

d) To provide adequate public and private recreation areas to meet present needs;

e) To protect areas of high recreation capability and existing recreation developments;

f) To protect renewable resource areas; and

g) To protect non-renewable resource areas, such as sand and gravel deposits, from any development that may prevent the extraction of same.

3) Policies

a) Only those uses which are compatible with the capability of the natural environment shall be permitted in the Conservation/Recreation Area. General agricultural activities, including farm residences, are permitted uses in this Area. Small parcels or sites may be permitted in accordance with the land division policies and criteria of subsections 4) and 5) of section 1. of PART II hereof;

b) An impact study may be required by Council should any development or use other than parks be required or requested in the Conservation/Recreation Area. In addition to these objectives and policies, the study shall give attention to the intent, policies, and programs formulated by the various public utilities and the Provincial and Federal Government Departments;

c) Recreational development, including related ancillary

commercial services and cottaging, shall be subject to the following location policies:

i) Will not be permitted in areas where flooding, erosion, poor drainage or other natural hazards could have an adverse affect on the development in the future;

ii) Will not be permitted in the Conservation/Recreation Area when adequate potable water is not available and when the proposed sewage disposal systems are not acceptable;

iii) Will be so situated and designed to avoid conflicts with existing agricultural operations or other incompatible land uses;

iv) Will not be permitted in areas recognized for its renewable resource significance; and

v) Will not be approved within the vicinity of a known sand or gravel deposit prior to consultation with the Provincial Mines Branch;

d) Expansion of, or establishment of, livestock production operations may be permitted as conditional uses provided they do not have a detrimental effect on the natural environment;

e) In order to protect the land from wind and water erosion and to implement soil conservation practices, the retention of the tree cover and natural vegetation shall be

encouraged within 1000 feet of Lake Dauphin and the lands within 100 feet of major streams and their tributaries including Edwards Creek, Mink Creek, Valley River, Vermilion River and Wilson River; and

f) Those areas best suited for conservation and/or recreation use, as shown on Development Plan Map 1 as "Conservation/Recreation Area", shall be designated in the zoning by-law as "Environmental Reserve Zone". Where recreational cottage development exists, or will be permitted, those areas shall be designated in the zoning by-law as "Seasonal Recreation Residential Zone".

5. Cultural Development Area

1) Concerns

The establishment of a cultural and entertainment site at the base of the Riding Mountains has raised concerns about the impact of such a development on surrounding uses and vice versa. A study of the site and land within 1/2 mile of the site was done and it was determined that development should be contained on the site and that livestock concentrations should be restricted within a defined area around the site.

2) Objectives

a) To provide an area for development as a cultural/entertainment centre;

b) To contain development of such a centre on one site; and

c) To restrict livestock concentrations within a defined area around the site.

3) **Policies**

a) All that portion of the SW 1/4 4-24-19W outlined on Development Plan Map 5 shall be known as a Cultural Development Area;

b) Any development directly or indirectly associated with the activities on this site shall occur within the Cultural Development Area and not outside of that designated area;

c) The zoning by-law shall list all permitted and conditional uses for the Cultural Development Area. Any use not listed within the applicable zone proposed for the Cultural Development Area shall be brought before Council for review and consideration;

d) Livestock concentrations shall be restricted around the Cultural Development Area within the area marked as Restricted Livestock Production Area on Development Plan Map 5. This does not preclude the grazing of animals but refers to an operation which confines and feeds animals. The number of allowable animals to be kept shall be defined in the zoning by-law; and

e) Future expansion of the Cultural Development Area shall be presented to Council in the form of a site plan specifying area required, the use(s) of the area and services required. Future expansion should be examined on the basis

of the impact on surrounding land uses and input from provincial agencies.

6. Transportation

1) Concerns

Major provincial highways traverse the Municipality providing a link to other areas. The provision of a safe, efficient transportation system is important to any area and that system should be afforded a certain amount of protection from incompatible land uses and multiple access points. Concern has been expressed that ribbon development of highway commercial activity along the major highways in the Municipality, particularly adjacent to the Town of Dauphin, not be allowed to hamper the main purpose of the highways of carrying traffic efficiently and safely.

2) Objectives

a) To provide and maintain an attractive, safe, highway oriented commercial area;

b) To regulate highway commercial functions so as to provide adequate quality services for the area, minimize the number of direct highway accesses, and preserve the scenic nature of the area's highways and roadways; and

c) To provide for highway commercial development that will not impede the flow of traffic on P.T.H. No.'s 5 & 10, 20 and other Provincial Roads since the primary function of these

highways is the movement of high speed traffic.

3) **Policies**

a) In areas where residential (including rural non-farm and seasonal types), commercial or industrial uses are to be allowed in close proximity to a provincial highway, the following development criteria should be observed:

i) Strip development along the highway, whereby direct connections to the highway are continuously relied upon for providing access to abutting properties, shall not be permitted;

ii) The kind of development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted unless adequate measures are undertaken to remedy the problem; and

iii) The local road or street network associated with any type of proposed development shall be designed to be in accord with both the existing and planned road and street system of the neighbouring areas;

b) Highway commercial activities shall be encouraged to locate in close proximity to one another and, in the case of major

provincial highways, access to each site off a service road or a municipal road shall be encouraged, thereby minimizing disruption of the flow of through traffic;

c) Highway commercial activities shall be encouraged to locate on designated sites in close proximity to existing communities, thus minimizing the expansion of strip development;

d) Development shall be subjected to high design standards. Particular reference being made to signs and storage areas, with the intent of creating an attractive appearance; and

e) Existing highway commercial development, as shown on Development Plan Map 4 as "HC" Highway Commercial Area, shall be designated in the zoning by-law as "Commercial Highway Zone". However, any future cluster highway commercial development consisting of a grouping of three or more parcels of land will not be allowed until such time as a design plan has been prepared for the area in consultation with the Department of Highways and this Development Plan has been appropriately amended.

7. Aggregate Resources

1) Concerns

Aggregate resources are an essential, non-renewable mineral commodity that is required by provincial, and municipal agencies as well as private companies in order to support present and future construction requirements. Aggregates are characterized as

a high bulk, low value commodity whose delivered price is highly sensitive to transportation costs. In light of a regional scarcity of aggregate deposits safeguards that would protect the known deposits are required.

The extraction process of aggregate deposits include, as byproducts, many environmentally disruptive activities. Gravel pits are a heavy industrial land use and can be a major source of noise, dust, local truck traffic, and visual disamenity.

2) **Objectives**

a) To ensure an adequate supply of aggregate minerals to meet future local and provincial construction needs;

b) To protect all areas defined as being high quality, economically viable aggregate resource deposits;

c) To eliminate or minimize conflict between aggregate extraction activities and neighbouring land uses; and

d) To ensure that quarry sites are rehabilitated after operation has closed.

3) **Policies**

a) The Council in consultation with the Provincial Mines Branch, Department of Energy and Mines has assigned a development status to each aggregate deposit within the Municipality. The Stop-Caution-Go designations are

illustrated on Development Plan Map 6. The meaning of designations are:

i) "Stop" indicates a valuable aggregate deposit which should be protected for future extraction. No conflicting land uses should be allowed on these deposits;

ii) "Caution" denotes a deposit whose full potential is not proven or whose quality is not high, but which has been recognized as being of value to the Municipality. Deposits with a "Caution" status may be allocated a conflicting land use, after reviewing local needs and alternate sites in consultation with the Mineral Resources Division; and

iii) "Go" implies a deposit of no recognized value as an aggregate source, and land use need not be restricted on the deposit. As further information becomes available, periodic revision to the development status of deposits may occur;

b) Aggregate extraction shall be a conditional use subject to the provision of The Zoning By-law and The Planning Act and the acquisition of a permit under the Mines Act. Conditions may include a plan showing the staging of extraction, a rehabilitation plan, or cost-sharing of municipal improvements; and

c) Land uses (such as residential in addition to certain commercial, institutional and recreational uses) which may be sensitive to and conflict with the inherent characteristics of aggregate extraction shall not be allowed within an appropriate distance of the existing or anticipated limits of the extraction operation. Such a distance(s) shall be determined through consultation with the Mines Branch and/or other appropriate government bodies.

4) **Implementation**

The objectives and policies with respect to aggregate extraction shall be implemented by means of:

a) The Zoning By-law;

b) Subdivision control procedures;

c) Conditional use orders, development permits and building permits;

d) Development agreements; and

e) Assistance from and advice of the Mines Branch, Department of Energy and Mines.

PART III

ADMINISTRATION

III ADMINISTRATION

1. Plan Implementation

The realization of the foregoing policies are represented in the form of a series of land use classification maps as shown in the Appendix "A" attached hereto. The Development Plan Maps show the arrangement of land uses that shall occur by adherence to the policies and programs adopted and implemented by the Community. Coupled with the objectives, the Development Plan is based on a long-range view of future needs and trends, and established objectives and policies for development within the Rural Municipality. It lays forth guiding principles in making day to day decisions regarding zoning, re-zoning, approval of subdivision, performance agreements, etc. Decisions regarding any of these matters shall conform as close as possible to the objectives and policies laid out in the Development Plan. In this way the Development Plan ensures uniform and continuing policy in making day to day planning decisions. It should not, however, commit the Municipality to an inflexible development policy since, if new trends or unforeseen needs arise, the Development Plan should be amended to meet these changes. A Development Plan is not by itself a complete planning tool. Rather, it must be used in conjunction with other planning controls available to the municipalities under The Planning Act and other Acts. The Development Plan serves as a guide in making planning decisions. Actual enforcement of its policies and standards from day to day is carried out by using the planning controls in Section 2 of this PART.

2. **Land Use Regulatory Tools**

1) **Zoning Regulations** which establish land use zones and requirements under a Zoning By-law. The Development Plan is used as a guide in preparing or amending the Zoning By-law. For example, in studying an application for zone amendment, the Council should base its recommendation on the objectives, the policies, and the land use proposals laid out in the Development Plan.

2) **Subdivision Control** which allows the Council to control the subdivision of land under the authority vested in it by means of the provisions and regulation outlined in The Planning Act (PART VI). Decisions regarding the approval of subdivision applications, whether by plan or description, are guided by the Development Plan and its implementing zoning by-law.

3) **Building Regulations** through a **Building Code** which the Municipal Council may establish and adopt by by-law. The Manitoba Building Code adopted by by-law of the Municipality under The Buildings and Mobile Homes Act sets the minimum provisions or standards which all buildings (new or renovated) must meet in order to protect the safety and health of the public with regard to adequate fire provisions and health requirements.

4) **Building and Development Permits**, as required, will be obtained from the Municipal Development Officer. Upon adoption of the Development Plan, a proposal for the actual development of a site will require a development permit to ensure that the proposed development conforms with the adopted Development Plan, Zoning

By-law and the provisions of The Planning Act.

5) **Development Agreements** wherever applicable, the developer may be required to enter in agreement with the Municipality regarding the level, standards and workmanship of services and utilities, the dedication of land for public uses, the phasing of development, the developer's financial commitments to the public, the posting of bonds to guarantee the completion of the project, and the extent to which tree removal will be permitted in the subdivision or any other matter related to the proposed development deemed necessary by the Council.

6) **Public Works** or services to land should conform to the policies set out in the Development Plan. Thus the municipality may control the rate and direction of growth by its policy regarding the construction of public services to land. For example, control over the growth of residential areas may be exercised by extending municipal services into vacant land only if it meets the principles and land use proposals in the Development Plan.

3. Plan Review and Amendment

In the event that some of the objectives and policies established by the Development Plan become irrelevant or unrealistic, the Council should review the Plan periodically and make amendments to the Plan.

From time to time, zoning amendments, subdivision plans, or public works projects may be proposed which do not conform to the development policies set out by the Development Plan. In such cases, an amendment

is required to the Development Plan before the proposal can be put into effect. Before making such an amendment, the Council should study its effect on the Development Plan as a whole to insure that the proposed change is compatible with the rest of the Plan.

4. Future Planning Studies

Reference has already been made to the need for general review and up-dating of the plan, as well as for further studies that will amplify and improve the scope and effect of the Development Plan. After observing the effects of the Development Plan, it may be desirable to modify and improve land use policies and objectives established under the Development Plan.

The Plan is by nature a general statement of policies and it may be desirable to apply the general policies to specific areas in the Rural Municipality of Dauphin and produce detailed area plans for such areas. It may also become necessary to study and report on specific development proposals generated by the private or public sector. As population increases in the urban centres or the rural residential areas it may be necessary to evaluate the effect of the increases upon public services such as schools and recreation.

The preparation and adoption of detailed area plans is the responsibility of the Council.

5. **Requirements For Development Evaluations**

The developer may be required to submit in writing to the Council the following information related to his proposed development:

1) Submit to the Council two (2) copies of the proposed plan of subdivision or development, indicating the limits of the area to be subdivided or developed, lot dimensions, street widths, proposed drainage, proposed sewer and water service systems, existing and proposed land uses, contours, water courses and sloughs, wooded areas, soil characteristics, location of existing roads, existing and proposed hydro and telephone lines, and present use of adjoining lands;

2) Satisfy the Council that an adequate water supply of such quality as may be required by the Department of Health is readily available;

3) Satisfy the Council that there is a good supply of water for emergency purposes, such as fire protection;

4) Satisfy the Council that the proposed use of water for domestic and emergency purposes will not deplete the water supply in surrounding areas;

5) Satisfy the Council that the sewage disposal system will not pollute the groundwater. Where septic tank and field is proposed the site should be sufficient and soil properties adequate to permit efficient on-site disposal;

6) Assure the Council that the land is not best suited for agricultural purposes or other resource-based activities;

7) Enter into a development agreement, at the discretion of the

Council, to:

a) Clear, construct, grade and gravel all roads (as designated in the plan of subdivision) at his/her cost;

b) Construct culverts and drainage ditches at his/her expense and to the specifications and standards established by the Municipal Council;

c) Provide easements for public utilities and clear easement area of obstructions and grade to utility specifications; and

d) Any other matter deemed necessary by the Council; and

8) Ensure the demand for development will be met within a reasonable period of time -- the number of lots permitted in the proposed subdivision shall be governed by the demand evident for sites. The application shall outline the intensions of the developer in regards to phasing of the development.

PART IV

REPEAL AND EFFECTIVE DATE

IV REPEAL AND EFFECTIVE DATE

1. REPEAL

The Rural Municipality of Dauphin Basic Planning Statement, By-law No. 2412, and all amending by-laws thereto in force and effect in the Rural Municipality of Dauphin prior to the effective date of this By-law are hereby repealed.

2. EFFECTIVE DATE

This By-law shall come into full force on, from and after the date on which it received third reading by Council.

DONE AND PASSED in Council duly assembled this 27th day of August A.D. 1991.

Reeve

Secretary-Treasurer

READ A FIRST TIME this 22nd day of January A.D. 1991.

READ A SECOND TIME this 14th day of May A.D. 1991.

READ A THIRD TIME this 27th day of August A.D. 1991.

I, Duncan MacLure, Secretary-Treasurer of The Rural Municipality of Dauphin, do hereby certify the above to be a true and correct copy of By-law No. 2632.

Secretary-Treasurer

APPENDIX "A"

DEVELOPMENT PLAN MAPS

MAPS
NOT
FILMED

CARTES
OMISES